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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/965,230	09/25/2001	Michael J. Payne	42390P12154	7879

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EXAMINER

SKED, MATTHEW J

ART UNIT	PAPER NUMBER
2655	

DATE MAILED: 09/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/965,230

Applicant(s)

PAYNE ET AL.

Examiner

Matthew J. Sked

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Applicant's arguments with respect to claims 1-3, 11-13 and 21-23 have been considered but are moot in view of the new ground(s) of rejection, necessitated by amendment.
2. Applicant's arguments, in regards to claims 5-10, 14-20 and 24-30, filed 7/11/05 have been fully considered but they are not persuasive.

Applicant submits that it would not have been obvious to combine Houser with Ortega. Specifically the applicant states that the combination of Houser with Ortega would teach away each other hence making the systems unsatisfactory for their intended purposes. The Examiner respectfully disagrees. Houser teaches an information display that defines a bounded region, associates part of that region with color to indicate the process is speech enabled where a spoken command causes the process to be selected. Houser does not teach associating a second region of the information display with the bounded region. Ortega is only relied upon to meet this deficiency. While Houser and Ortega display the voice commands differently, nowhere does Houser teach against associating a second region of the information display with the bounded region. Therefore the rejection is proper.

Also, the applicant states that Houser and Ortega fail to teach "**relating a graphical command with at least one of said bounded region, said second region and said color, wherein said graphical command causes the process to be selected when spoken**" (emphasis added). The Examiner respectfully disagrees. The limitation

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includes the statement "at least one of said bounded region, said second region and said color". Therefore, only one of the three choices needs to be taught to read on the limitation. As stated in the previous Office Action, Houser teaches relating a command with said bounded region where said command causes the process to be selected when spoken (user controls the EPG, VCR and television with spoken word corresponding to the vocabulary displayed on the screen, col. 24, lines 35-59).

Therefore, the rejection stands.

3. Claim 2 has been cancelled.
4. It is noted that the applicant did not traverse the Official Notice taken in the previous Office Action and therefore it is taken to be admitted prior art (see MPEP 2144.03).

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 12 and 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 12 and 22 recite "wherein the information display is at least one of a two-dimensional display, a three-dimensional display and a holographic display" (emphasis added), while claims 11 and 21 recite "wherein the information display is at least one of a three-dimensional display and a holographic display". Claims 12 and 22 could be met by selection of two-dimensional display, which

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is not a possible selection in base claims 11 and 21. Therefore, the meets and bounds of claims 12 and 22 are unclear and hence indefinite.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-3, 11-13 and 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Houser in view of Muthusamy et al. (U.S. Pat. 6,683,625).

As per claims 1, 11 and 21, Houser teaches a computer-implemented method that necessarily resides on a computer-readable medium to select a process from an information display by speaking comprising:

defining a bounded region on the information display (suitable control vocabulary words prompted on screen as part of EPG windowing, col. 24, lines 1-13 and Fig. 12);

associating at least a part of said bounded region with a color, wherein said color is used to indicate that the process is speech enabled (text which may be spoken as a command is highlighted, col. 24, lines 1-13); and

relating a command with said bounded region where said command causes the process to be selected when spoken (user controls the EPG, VCR and television with spoken word corresponding to the vocabulary displayed on the screen, col. 24, lines 35-59).

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Houser does not teach wherein the information display is at least one of a three-dimensional display and a holographic display.

Muthusamy teaches a speech recognition browser for use in displays for 3-D objects (col. 2, lines 26-60).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the system of Houser wherein the information display is a three-dimensional display as taught by Muthusamy because this would give more enhanced visualizations of the interface to make the system more enjoyable to the user.

9. Regarding claims 3, 13, and 23, Houser teaches the bounded region is in a shape of a square (Fig. 12).

10. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Houser in view of applicant's admitted prior art.

Houser does not specifically teach or suggest using color when the process has been selected.

Applicant's admitted prior art teaches to highlight a user's choice in an interface.

Thus, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the system of Houser to use color when a process has been selected so as to verify the user's selection.

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11. Claims 5-10, 14-20 and 24-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Houser as applied to claims 1, 11 and 21 above, and further in view of Ortega (U.S. Pat. 6,085,159).

As per claims 5, 14 and 24, Houser teaches a computer-implemented method that necessarily resides on a computer-readable medium to select a process from an information display by speaking comprising:

defining a bounded region on the information display (suitable control vocabulary words prompted on screen as part of EPG windowing, col. 24, lines 1-13 and Fig. 12);

associating at least a part of said bounded region with a color, wherein said color is used to indicate that the process is speech enabled (text which may be spoken as a command is highlighted, col. 24, lines 1-13); and

relating a command with said bounded region where said command causes the process to be selected when spoken (user controls the EPG, VCR and television with spoken word corresponding to the vocabulary displayed on the screen, col. 24, lines 35-59).

Houser does not teach associating a second region of the information display with said bounded region.

Ortega teaches associating a second region of the information display with said bounded region (displaying information associated with a field in the original window in another window, col. 3, lines 23-27).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the system of Houser to associate a second region of the

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information display with said bounded region as taught by Ortega because this would allow the corresponding information associated with each selection to be displayed without disturbing the list of commands.

12. As per claims 6, 15 and 25, Houser teaches the information display to be two-dimensional (display is a television screen, col. 24, lines 35-59).

13. Regarding claims 7, 16, and 26, Houser teaches the bounded region is in a shape of a square (Fig. 12).

14. As per claims 8, 18 and 27, Houser teaches a computer-implemented method that necessarily resides on a computer-readable medium to select a process from an information display by speaking comprising:

defining a bounded region on the information display (suitable control vocabulary words prompted on screen as part of EPG windowing, col. 24, lines 1-13 and Fig. 12);

associating at least a part of said bounded region with a color, wherein said color is used to indicate that the process is speech enabled (text which may be spoken as a command is highlighted, col. 24, lines 1-13); and

relating what is implied by a graphical command with said bounded region where said command causes the process to be selected when spoken (user controls the EPG, VCR and television with spoken word corresponding to the vocabulary displayed on the screen, col. 24, lines 35-59).

Houser does not teach associating a second region of the information display with said bounded region.

Ortega teaches associating a second region of the information display with said bounded region (displaying information associated with a field in the original window in another window, col. 3, lines 23-27).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the system of Houser to associate a second region of the information display with said bounded region as taught by Ortega because this would allow the corresponding information associated with each selection to be displayed without disturbing the list of commands.

15. As per claims 9, 19 and 28, Houser teaches the information display to be two-dimensional (display is a television screen, col. 24, lines 35-59).

16. Regarding claims 10, 20, and 29, Houser teaches the bounded region is in a shape of a square (Fig. 12).

17. Claims 17 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Houser in view of Ortega and applicant's admitted prior art.

Houser and Ortega do not specifically teach or suggest using color when the process has been selected.

Applicant's admitted prior art teaches to highlight a user's choice in an interface.

Thus, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the system of Houser to use color when a process has been selected so as to verify the user's selection.

Conclusion

18. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew J. Sked whose telephone number is (571) 272-7627. The examiner can normally be reached on Mon-Fri (8:00 am - 4:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on 571-272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MS
09/06/05



W. R. YOUNG
PRIMARY EXAMINER